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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carlyn Burton (Reg. No. 57,099) on November 8, 2010.

The application has been amended as follows:

In the claims:

1-20. (Cancelled)

21. (Currently Amended) A drilling fluid comprising:

an oleaginous fluid, wherein the oleaginous fluid is the continuous phase of the drilling fluid and wherein the oleaginous fluid occupies from about 30% to about 95% by volume of the drilling fluid and the oleaginous fluid is selected from the group consisting of diesel oil, mineral oil, synthetic oil, esters, ethers, acetals, di-alkylcarbonates, olefins, and combinations thereof;

a non-oleaginous fluid, wherein the non-oleaginous fluid is the discontinuous phase of the drilling fluid, wherein the non-oleaginous fluid occupies from about 5% to about 70% by volume of the drilling fluid and the non-oleaginous fluid is selected from the

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group consisting of fresh water, sea water, a brine containing organic or inorganic dissolved salts, a liquid containing water-miscible organic compounds, and combinations thereof;

an organophillic clay, wherein the organophillic clay is present in a concentration of about 0.1% to about 6% by weight;

a primary emulsifier, wherein the primary emulsifier is an amidoamine and is present in a concentration of 7 to 8 pounds per barrel;

a secondary emulsifier, wherein the secondary emulsifier is an oleic acid based wetting agent and is present in a concentration of 1 to 2 pounds per barrel;

a weighting or bridging agent, wherein the weighting or bridging agent is selected from the group consisting of galena, hematite, magnetite, iron oxides, illmenite, barite, siderite, celestite, dolomite, calcite and combinations thereof; and

a rheology modifier, wherein the rheology modifier is a mixture of C₁₂ to C₂₂ poly-carboxylic fatty acids, including at least a dimer poly-carboxylic C₁₂ to C₂₂ fatty acid, and a trimer poly-carboxylic C₁₂ to C₂₂ fatty acid, wherein the mixture of poly-carboxylic fatty acids is added in sufficient concentration so that the trimeric poly-carboxylic fatty acid concentration in the drilling fluid is greater than 0.1 pounds per barrel and is up to 5.0 pounds per barrel.

22-24. (Cancelled)

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DETAILED ALLOWANCE

Pending Claims

Claim 21 is pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 30, 2010 has been entered.

Response to Amendment

2. The rejection of claim 21 under 35 U.S.C. 103(a) as being unpatentable over Coates et al. (US Pat. No. 4,941,983) has been overcome by amendment.

Allowable Subject Matter

3. Claim 21 is allowed.

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Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is (571)272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Feely/
Primary Examiner, Art Unit 1761

November 15, 2010